



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE DISTRICT
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001

CESAM-RD-I
PUBLIC NOTICE NO. SAM-2007-1287-HWL

September 29, 2008

JOINT PUBLIC NOTICE SAM-2007-1287-HWL
U.S. ARMY CORPS OF ENGINEERS

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF POLLUTION CONTROL

Proposed Wetland and Stream Fill for a Sand and Gravel Mine,
Itawamba County, Mississippi

TO WHOM IT MAY CONCERN:

This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 USC 1344). Please communicate this information to interested parties.

APPLICANT: APAC Mississippi, Inc.
Post Office Box 24508
Jackson, Mississippi

AGENT: Thompson Engineering
909 George Wallace Boulevard
Tuscumbia, Alabama 35674

LOCATION OF WORK: Sweetwater Creek at 7638 County Highway 56, Latitude: 34°16'56" N, Longitude: -88°10'43" W, Itawamba County, Mississippi

PROJECT PURPOSE: The basic project purpose is to construct a sand and gravel mine. The overall project purpose is to provide sand and gravel to the surrounding area.

PROPOSED WORK: This project is located within the geographic boundaries of Mississippi and Alabama. The proposed work will be divided between two public notices to facilitate water quality certification for each state. The work to be conducted in Mississippi will impact 1.6 acres of wetlands and construction of an impoundment on and intermittent stream. The Alabama portion of the project will impact 0.1 acres of wetlands and 100 linear feet of Sweetwater Creek for a road crossing.

AVOIDANCE & MINIMIZATION: The applicant has avoided 0.48 acres of wetlands, 345 linear feet of ephemeral stream, 1,600 linear feet of intermittent stream and 5,945 linear feet of perennial stream.

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The applicant states this site was chosen due to availability of target resources and the ease in which those resources can be mined. The Corps has not verified the adequacy of the applicant's avoidance statement at this time.

The avoided areas listed above are found within Mississippi and Alabama.

MITIGATION: The applicant has stated the following concerning mitigation for unavoidable impacts to Waters of the United States: The applicant proposes to impact and provide mitigation for 1.6 acres of medium quality wetlands and 50 feet of intermittent stream for the impacts in Mississippi. Mitigation will consist of purchase of the appropriate amount of mitigation credits from an approved mitigation bank in Mississippi. The applicant proposes to mitigate for 0.1 acre of wetlands and 100 linear feet of perennial stream impacted in Alabama at an Alabama Mitigation Bank. The Corps has not verified the adequacy of this mitigation proposal at this time.

WATER QUALITY: The applicant has applied for certification from the State of Mississippi in accordance with Section 401(a)(1) of the Clean Water Act and upon completion of the required advertising, a determination relative to certification will be made by the Mississippi Department of Environmental Quality (MDEQ).

COASTAL ZONE MANAGEMENT: Not applicable as the project is outside of the coastal zone.

HISTORIC PROPERTIES: The applicant has coordinated the project with the Mississippi Department of Archives and History (03-111-08). A Phase I and Phase II Cultural Resource Survey have been completed on the subject site." Findings of those surveys were provided to the State Historic Preservation Officer. Details of the findings can not be disclosed in this public notice. This review constitutes the full extent of cultural resources investigations. Copies of this notice are being sent to the State Historic Preservation Officer and the U.S. Department of the Interior, National Park Service, Division of Archeological Services.

ENDANGERED SPECIES: The applicant has stated, "The site does lie within the range of several federally listed endangered species. The site, however, is not suitable habitat for any listed species nor have any listed species been observed on the site or in the vicinity." Preliminary review of this application and the U.S. Department of the Interior List of Endangered and Threatened Wildlife and Plants indicate that the proposed activity will have no affect on any listed endangered or threatened species. This determination is being coordinated with the U.S. Fish and Wildlife Service (FWS) via this Public Notice.

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COMMENTS: This public notice is being distributed to all known interested persons and serves to solicit comments from the public, Federal, State, and local agencies and officials, Indian Tribes, and other interested parties, in order to assist in developing facts on which a decision by the U.S. Army Corps of Engineers (Corps) can be based.

Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state with particularity, the reasons for holding a public hearing.

For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources.

The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production, and in general, the needs and welfare of the people.

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Correspondence concerning this Public Notice should refer to Public Notice Number SAM-2007-1287-HWL and should be directed to:

District Engineer
U.S. Army Engineer District, Mobile
Attention: Regulatory Division, Inland Branch
218 Summit Parkway, Suite 222
Homewood, Alabama, 35209

With a Copy to:

Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 10385
Jackson, Mississippi 39289

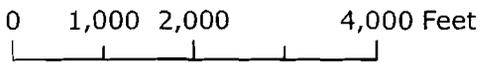
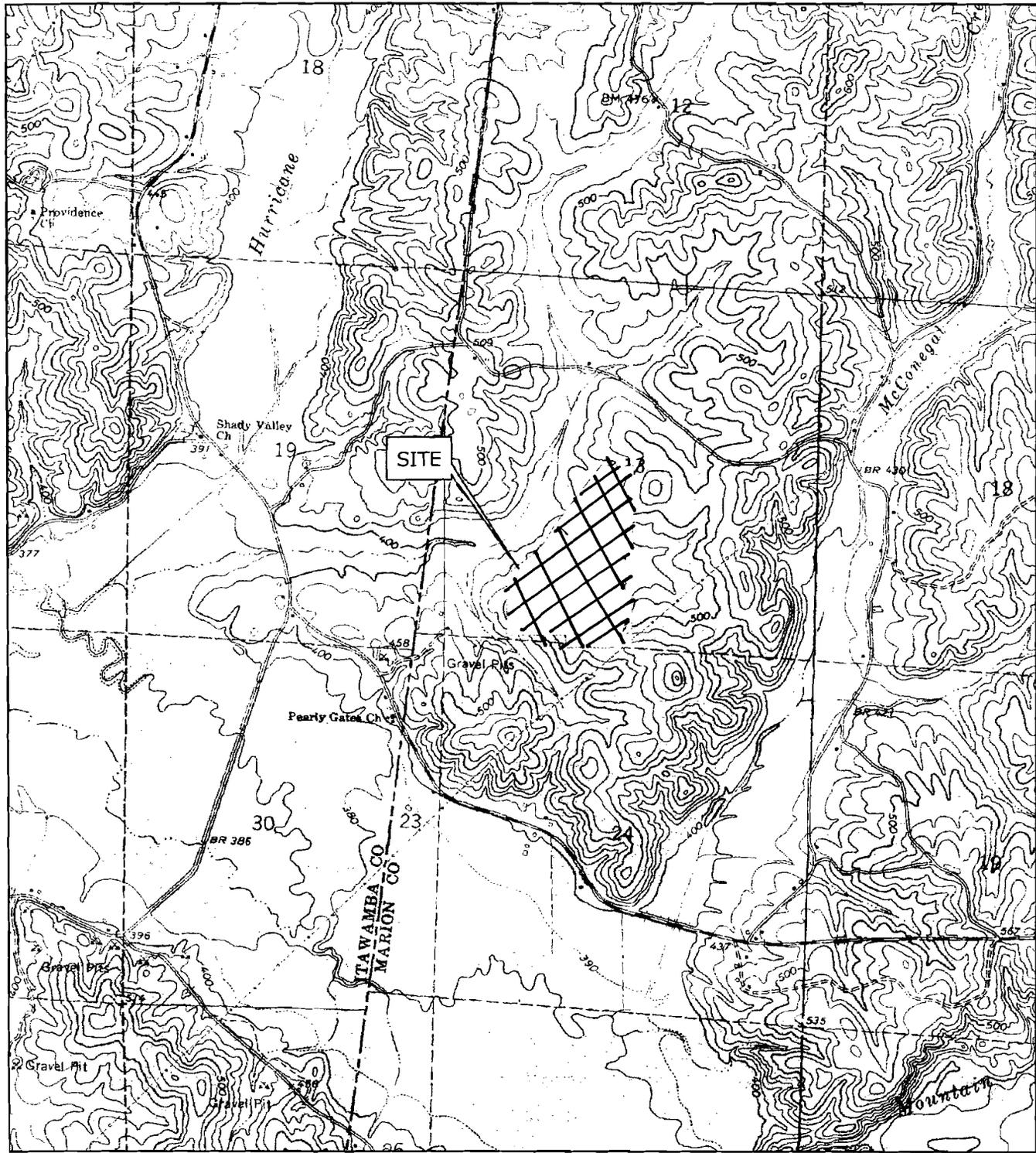
Comments should be received no later than **30 days** from the date of this Public Notice.

If you have any questions concerning this publication, you may contact this office, Cindy House-Pearson at telephone number (205) 290-9096, E-mail **Cindy.J.House-pearson@usace.army.mil**. Please refer to the above Public Notice number.

For additional information about our Regulatory Program, please visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

MOBILE DISTRICT
U.S. Army Corps of Engineers

Enclosures

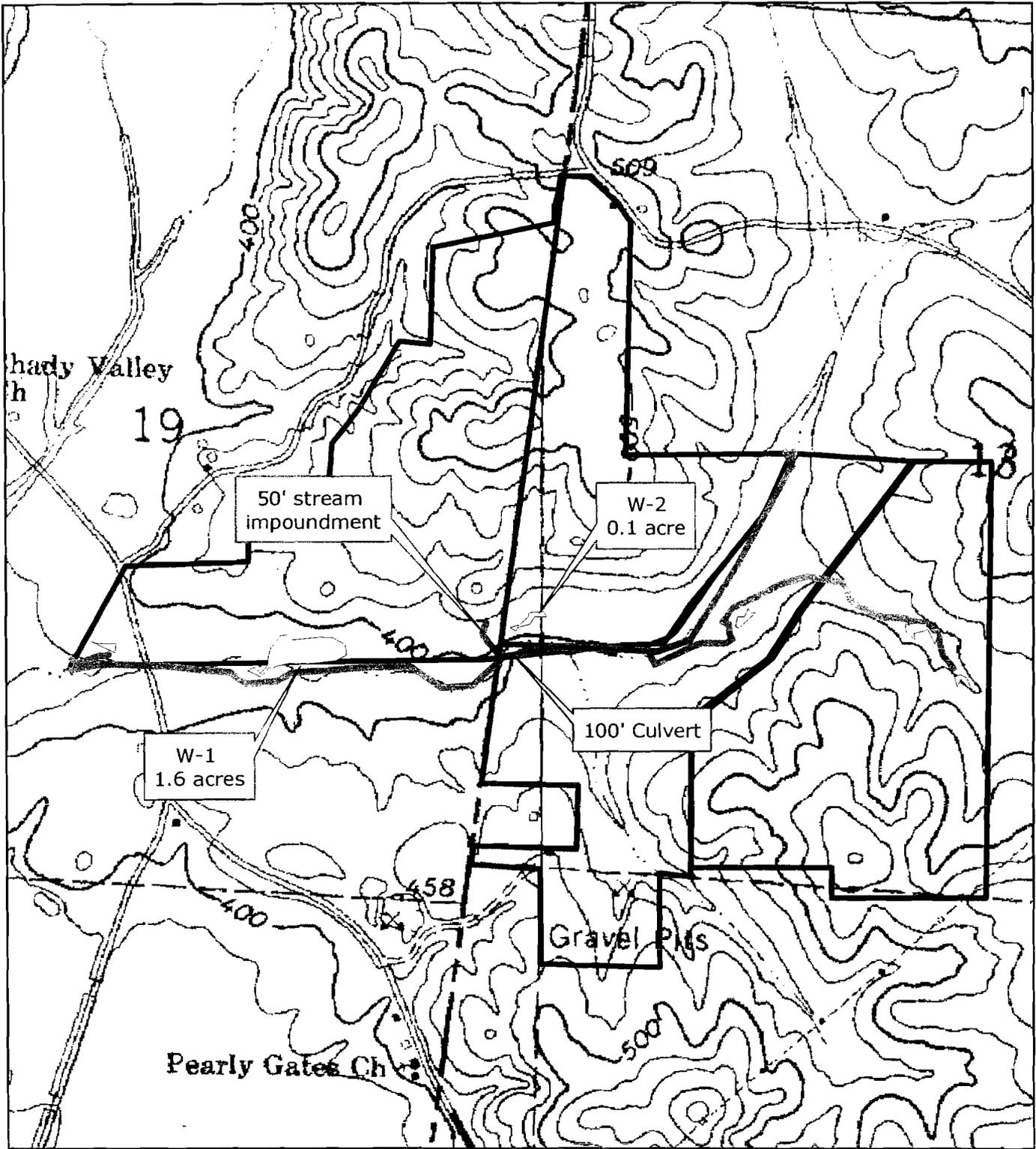


SCALE = 1 : 24,000

SITE MAP
TR07-115
Marion County, AL

**SOURCE: USGS DRG 1:24,000
Shottsville [AL]**

AST Environmental Group



Wetland

Stream - PS= Perennial, ES=Ephemeral, IS = Intermittent



SCALE = 1 : 10,000

NOTE: Streams and Wetland Boundaries were mapped using a hand-held GPS unit

SOURCE: USGS DRG and DOQQ
1:24,000 Shottsville [AL]

WETLAND LOCATION MAP TR07-115A Marion County, AL - Itawamba County, MS	
AST	Environmental Group